

REMARKS

The present application has been reviewed in light of the Office Action dated November 24, 2009. Claims 1-4 are presented for examination, of which Claim 1 is in independent form. Claim 1 has been amended to define Applicants' invention more clearly. Favorable reconsideration is requested.

The amendment filed on November 6, 2009 was objected to under 35 U.S.C. 132(a) as introducing new matter into the disclosure. Without conceding the propriety of this objection, Applicants have amended Claim 1 to remove the objected to matter. Therefore, reconsideration and withdrawal of this objection is requested.

Claim 1 was rejected under 35 U.S.C. § 112, first paragraph, as failing to comply with the written description requirement and Claims 1-4 under 35 U.S.C. § 112, second paragraph, as being indefinite. Applicants have carefully reviewed and amended Claim 1 as deemed necessary to ensure that Claims 1-4 conform fully to the requirements of Section 112, first and second paragraphs, with special attention to the points raised in paragraphs 7-11 of the Office Action. Applicants respectfully note that computer-related hardware processing jobs refers to jobs completed by the provider and are included in the billing information. Applicants also note that computer-related hardware processing tasks refer to tasks from the entity to be completed by the provider and are including in the application profile information. Support for the amendments can be found in at least paragraphs [0018], [0020], and [0023]. It is believed that the rejections under Section 112, first and second paragraphs, have been obviated, and their withdrawal is therefore respectfully requested.

Claims 1-4 were rejected under 35 U.S.C. § 101 as being directed to non-statutory subject matter. Accordingly, Applicants have amended Claim 1 to recite that the foregoing steps

are executed by at least one computer processing unit. Therefore, reconsideration and withdrawal of this rejection are requested.

The Office Action states that Claims 1-4 are rejected under § 103(a) as being unpatentable over U.S. Patent No. 6,125,354 (MacFarlane et al.), in view of U.S. Patent No. 7,020,628 (Peterson et al.). Applicants submit that independent Claim 1, together with the claims dependent thereon, are patentably distinct from the cited prior art for at least the following reasons.

MacFarlane et al. relates to a system and method for generating an invoice to re-bill charges to individual elements of an organization. Further, MacFarlane et al. teaches that a user code can be entered during the re-billing process which corresponds to the level of the organizational hierarchy to which the user wishes to apply a charge. However, if the user code identifies an individual element of an organization, the charge is then spread over all sub-elements of that individual element. (See, MacFarlane et al., col. 9, ll. 29-35 and Fig. 6). In other words, a charge is broken up into parts and spread among sub-elements of an element, not to one specific element without including the sub-elements.

In contrast, a benefit of the present invention as recited in Claim 1 is that allocation of billing information is done by associating each of a plurality of unique identifiers to one of the groups in a plurality of groups within an entity.

As explained in paragraph [0023] of the specification of the subject application, each of the various jobs performed by the computing provider are assigned unique identifiers which are not otherwise used by the computing provider. These unique identifiers allow an entity to determine which groups and corresponding subgroups are using technology resources to perform particular tasks which utilize the jobs performed by the providers, and adjust technology

consumption appropriately. Further, as explained in paragraph [0020] of the specification of the subject application, the application profiles identify each task with a group or sub-group.

The present invention, thus, provides a benefit that MacFarlane et al. cannot, namely, the ability to identify both the group and particular job that correspond to a consumption of technology resources.

Accordingly, Applicants submit that Claim 1 allowable over MacFarlane et al.

Furthermore, nothing has been found in Peterson et al. that is believed to remedy the above-mentioned deficiencies of MacFarlane et al. as applied against independent Claim 1. Peterson et al. relates to a method for tracking remote computer access and associated costs. In Peterson et al., an authorized user to a computer network is required to exchange credentials with a host server, triggering a starting timestamp. An ending time stamp is triggered when the user hangs up or otherwise disconnects from the network. Further, in Peterson et al., billing forms are based on usage of each individual user. (See Peterson et al., col. 4, ll. 49-57). In other words, the total time the user accessed the network is used to calculate billing data. However, Peterson et al. does not take into account the possibility of a user being assigned to various departments within an organization.

Additionally, the billing forms do not break down each access by a user, and since the costs of accessing the network can vary depending on whether the user can call into the network locally or from long distance, the billing forms in Peterson et al. do not break down the bill into computer-related hardware processing jobs and corresponding unique identifiers, as recited in independent Claim 1. Thus, while Peterson et al. discloses monitoring costs associated

with computer accesses, it is not understood to teach or reasonably suggest monitoring costs based on computer-related hardware processing jobs.

Moreover, Applicants respectfully disagree with the Examiner's comments on pages 9 to 10 of the Office Action which characterize "[t]he user log contains a record of computer time usage for each authorized user" as being equivalent to "computer related hardware processing jobs and corresponding unique identifiers." In Peterson et al., the user log containing a record of computer time usage for each authorized user is provided by the service bureau to the billing computer. However, the user log cannot be equivalent to the computer-related hardware processing jobs and corresponding unique identifies because the billing computer merely provides data on the total access time by an authorized user, not the user log itself, and, as described-above, the total access time cannot be equivalent to computer-related hardware processing jobs. Therefore, Peterson et al. does not disclose or suggest computer related hardware processing jobs and corresponding unique identifiers, as recited in Claim 1.

Accordingly, Applicants submit that Peterson et al. fails to remedy the deficiencies of MacFarlane et al..

Applicants submit that a combination of MacFarlane et al. and Peterson et al., assuming such combination would even be permissible, would fail to teach or suggest many of the features recited in Claim 1. Accordingly, Applicants submit that Claim 1 is patentable over the cited art, and respectfully request withdrawal of the rejection under 35 U.S.C. § 103(a).

The other rejected claims in this application depend from one or another of the independent claims discussed above and, therefore, are submitted to be patentable for at least the same reasons. Since each dependent claim is also deemed to define an additional aspect of the

invention, individual reconsideration of the patentability of each claim on its own merits is respectfully requested.

In view of the foregoing amendments and remarks, Applicants respectfully request favorable reconsideration and early passage to issue of the present application.

No petition to extend the time for response to the Office Action is deemed necessary for this Amendment. If, however, such a petition is required to make this Amendment timely filed, then this paper should be considered such a petition and the Commissioner is authorized to charge the requisite petition fee to Deposit Account 50-3939.

Applicants' undersigned attorney may be reached in our Washington, D.C. Office by telephone at (202) 530-1010. All correspondence should continue to be directed to our address listed below.

Respectfully submitted,

/Mark A. Williamson/

Mark A. Williamson
Attorney for Applicants
Registration No.33,628

FITZPATRICK, CELLA, HARPER & SCINTO
1290 Avenue of the Americas
New York, NY 10104-3800
Facsimile: (212) 218-2200